



1645

PATENT
0020-4802P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: AZUMA et al. Conf.: 7730

Appl. No.: 09/743,750 Group: 1645

Filed: March 22, 2001 Examiner: V. L. FORD

For: FORMULATIONS USEFUL FOR IMMUNOTHERAPY
FOR CANCERS CONTAINING BACTERIAL
COMPONENT AS AN ACTIVE INGREDIENT

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TECH CENTER 1600/2900

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 3, 2003

Sir:

Transmitted herewith is a Reply to Restriction/Election Requirement in the above-identified application.

- ☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.
- ☐ Petition for _____ () month(s) extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). \$0.00 for the extension of time.
- ☒ No fee is required.
- ☐ A check in the amount of \$0.00 is enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

Appl. No. 09/743,750

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

John W. Bailey, #12,881

JWB/enm
0020-4802P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s)

(Rev. 09/30/03)



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REPLY TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 3, 2003

Sir:

In reply to the Restriction Requirement dated October 2, 2003, the following remarks are respectfully submitted in connection with the above-identified application.

REMARKS

Claims 1-3, 5-8, 10-11 and 13-25 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 1-3 and 5, drawn to a lyophilized formulation obtainable by lyophilization of an oil-in-water

emulsion comprising a bacterial component, an oil, an surfactant and a stabilizer as well as an amino acid or urea;

Group II, claims 6-8 and 10, drawn to a method of making the lyophilized formulation;

Group III, claims 11 and 13-20, drawn to making the oil-in-water emulsion; and

Group IV, claims 21-25, drawn to an oil-in-water emulsion.

For the purpose of examination of the present application, Applicants elect, with traverse, Group IV, claims 21-25.

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

John W. Bailey, #32,881

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